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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,090	07/29/2003	William R. Wheat	31223/00011	6383
25264	7590	05/11/2004	EXAMINER	
FINA TECHNOLOGY INC PO BOX 674412 HOUSTON, TX 77267-4412			NAKARANI, DHIRAJLAL S	
			ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/629,090	WHEAT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	D. S. Nakarani	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer et al (U.S. Patent 5,573,717) in view of Shiga et al (U.S. Patent 4,355,144), Reid (U.S. Patent 4,692,380) and McAlpin et al (U.S. Patent 5,468,440).

Peiffer et al disclose oriented polypropylene film wherein the film can be a single layer film or a multilayer film. The film comprises voided layer made of (1) 70 to 99 % by weight propylene polymer containing 90 to 100 % by weight propylene and 10% by weight or less ethylene and (2) 1 to 30% by weight amorphous polymer. The amorphous polymer such as atactic polystyrene, poly alpha methyl styrene, polycyclic olefin, natural and synthetic resin etc (col. 4 line 28 to col. 6, line 25). Peiffer et al also disclose biaxial stretching (Example 1). Peiffer et al disclose surface treatment by flame, corona (col. 11, lines 5-10) Peiffer et al disclose that voided layer or film can be an interlayer, a core layer or a top layer in the multilayer film (col. 3 line 59 to col. 4 line 16). Peiffer et al fail to disclose isotactic polypropylene-ethylene random polymer having ethylene content up to 1 % by weight, metallizing film and preparation of propylene-ethylene random copolymer using metallocene catalyst.

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Shiga et al disclose propylene-ethylene random copolymer having ethylene content of 0.1 to 1.0 wt % for improving stretchability without sacrificing Young's modulus and other mechanical properties (abstract, and col. 1 lines 59-68).

Reid discloses a polypropylene film metallized after surface treatment with corona (col. 2 line 54-68).

McAlpin et al teach isotactic propylene-ethylene random copolymer made by metallocene catalyst resulting in a polymer having a comparable shear modulus and heat distortion temperature values comparable to conventional propylene polymers but fabrication of article is achieved at much lower temperature than for conventional polypropylene (Abstract, col. 2 lines 25-65).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention made to utilize disclosure of Shiga et al, Reid and McAlpin et al in the invention of Peiffer et al to produce single or multilayer voided film with a polymer having good stretchability as taught by Shiga et al with lower temperature fabricability as taught by McAlpin et al and to metallize film as taught by Reid.

No claims are allowed.


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. NAKARANI whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J. Thibodeau can be reached on (571) 272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. S. Nakarani/af  
May 4, 2004

  
D. S. NAKARANI  
PRIMARY EXAMINER